

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DENNIS E. MCCLENDON,

Plaintiff,

v.

SECRETARY OF CDCR, et al.,

Defendants.

No. 2:21-cv-2088 DAD AC P

FINDINGS AND RECOMMENDATIONS

Plaintiff, a state prisoner proceeding pro se and in forma pauperis, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On September 26, 2022, plaintiff's complaint was screened and found unsuitable for service; plaintiff was ordered to file a first amended complaint within thirty days. ECF No. 7 at 13. More than thirty days have passed, and plaintiff has not filed an amended complaint, nor has he responded to the court's order in any way.

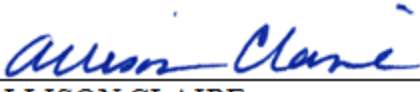
Accordingly, IT IS HEREBY RECOMMENDED that this action be DISMISSED without prejudice for failure to prosecute. See Local Rule 110; Fed. R. Civ. P. 41(b).

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days after being served with these findings and recommendations, plaintiff may file written objections

1 with the court and serve a copy on all parties. Such a document should be captioned “Objections  
2 to Magistrate Judge’s Findings and Recommendations.” Plaintiff is advised that failure to file  
3 objections within the specified time may waive the right to appeal the District Court’s order.

4 Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

5 DATED: November 7, 2022

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7 ALLISON CLAIRE  
8 UNITED STATES MAGISTRATE JUDGE  
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